

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Agriculture & Co-operation Department – Disciplinary action against Sri Md. Ghouse, Junior Assistant, O/o the Divisional Co-operative Officer, Nalgonda (Under dismissal). – Allegation of corruption – Trapped by Anti Corruption Bureau – Conviction by ACB Court – Dismissed from the service – Criminal Appeal allowed by the Hon'ble High Court of Andhra Pradesh and common judgment delivered on 26.06.2012 in Criminal Appeals 1337/05 and 1327/05 – Revoke the dismissal orders and reinstate into Government service – Orders – Issued.

AGRICULTURE & CO-OPERATION (VIG.III) DEPARTMENT

G.O. Rt. No. 516

Dated: 19. 03.2013.

Read the following:-

1. From the CC & RCS, AP, Hyd. Progs. Rc. No. 8591/1995-NG-Div.V., dt. 28.11.2005.
2. Orders of A.P. Administrative Tribunal dated 10.04.2006 in O.A.No. 1994/20006.
3. From the Director General, ACB, Hyderabad, Letter Rc.No.9/RCT- HND/95-S3, dated 03.09.2012.
4. Representation from Sri. Md. Ghouse , Jr. Asst. (under Dismissed) dt. 10.10.2012.

ORDER:

In the reference 1st read above, Sri Md. Ghouse, Junior Assistant (under dismissal from the service) has been convicted on Criminal Charge, under section 13(1) (d) read with Sec. 13(2) of prevention of Corruption Act, 1988 and sentenced to undergo imprisonment for one year and to pay a fine of Rs.1,000/- for the offence in having demand and acceptance of bribe of Rs.200/- from Sri M. Yadagiri, President, Nayee Brahmin Co-operative Society for doing official favour and in default of payment of fine amount to suffer for three months simple imprisonment both the sentences were ordered to run concurrently by the Special Judge for SPE & ACB Cases, Hyderabad in C.C.No.24/95 on 5.8.2005. Accordingly the competent authority has dismissed Sri Md. Ghouse, Junior Assistant from the Government service under rule 25 (1) of the APCS (CC&A) Rules, 1991.

2. In the reference 2nd read above, Sri Md. Ghouse, Junior Assistant (under dismissal) filed O.A.No.1994/2006 in A.P. Administrative Tribunal challenging the orders on the ground that the judicial processing wherein the applicant has been convicted have not become final as the appeal against the said conviction is pending before the Hon'ble High Court. (The Accused Officer filed Criminal Appeal before the Hon'ble High Court in Criminal Appeal No.1337/2005 and Hon'ble High Court in its Crl. M.P.No.1451/2005 in C.A.No.1327/2005 suspended the sentence by its order dated 31.08.2005). The A.P.A.T. while disposing the said O.A. has ordered that there shall be an interim suspension of the impugned proceedings in the reference 1st cited pending further orders.

3. In the letter 3rd read above, the Director General, Anti Corruption Bureau, Hyderabad has informed that the Accused Officers Sri T. Janardhan, Co-op. Sub-Registrar & Md. Ghouse, Junior Assistant, O/o the Divisional Co-operative Officer, Nalgonda district were convicted on 5-08-2005 in C.C.No.24/95 by the Addl. Spl. Judge for SPE & ACB Cases, Hyderabad and the Accused Officers filed Criminal Appeal No. 1337 / 2005 and 1327 /05 in the High Court of AP Questioning his conviction in the Judgment dt. 05.08.2005 in CC No. 24/95. The High Court pronounced judgment on 26.06.2012 acquitting the AOs of charges framed against them by allowing the appeals. The Standing Counsel for ACB, High Court of A.P., Hyderabad has opined that this is not a fit case to prefer S.L.Ps in the Supreme Court of India vide their opinion dated 16-07-2012 and Bureau is also of the opinion that it is not a fit case to prefer S.L.Ps in the Supreme Court of India against the common judgment of the High Court of A.P. dated 26.6.2012 in Criminal Appeal Nos.1337/05 and 1327/05 and requested to communicate final orders of Government against the above acquittal orders of High Court of A.P.

Contd. P/2.

4. In the representation 4th read above, Sri Md. Ghouse, Junior Assistant (under dismissal) has requested the Government to issue necessary orders for reinstatement into Government service keeping in view of the common judgment delivered by the Hon'ble High Court of Andhra Pradesh on 26.06.2012 in Criminal Appeal No.1337/05 and 1327/05.

5. Government after careful examination of the entire matter in detail and in the light of the judgment delivered by Hon'ble High Court of Andhra Pradesh, Hyderabad on 26.06.2012 in Criminal Appeal No.1337/05 and 1327/05 and taking into consideration the opinion of the Director General, ACB and Standing Counsel for ACB, Hyderabad have decided and hereby order to revoke the dismissal orders and reinstate Sri. Md. Ghouse, Junior Assistant O/o the Div. Coop Officer, Nalgonda into Government service with immediate effect.

6. The Commissioner for Co-operation & Registrar of Co-operative Societies, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R. KRISHNA RAO
SPL. CHIEF SECRETARY TO GOVERNMENT

To

Sri Md. Ghouse, Junior Assistant, O/o the Div. Coop. Officer, Nalgonda through the CC & RCS,
A.P., Hyderabad.

The Commissioner for Co-operation & Registrar of Co-operative Societies, A.P., Hyderabad.

The Director General, Anti Corruption Bureau, Hyderabad.

Copy to: The Accountant General, Andhra Pradesh, Hyderabad.

SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER